

**UNITED STATES OF AMERICA
DISTRICT OF MASSACHUSETTS**

**DEFENDANT'S UNOPPOSED MOTION FOR MODIFICATION OF PRETRIAL
CONDITION OF RELEASE**

Now comes the Defendant and hereby moves this Honorable Court to modify the pretrial conditions of release originally imposed by this Court by Magistrate Judge Robertson on August 19, 2019. Currently the Defendant is outfitted with a Global Positioning System (“GPS”) with a “Home Incarceration” condition which confines him to his residence at all times. The Defendant is allowed to leave his home for medical appointments and to attend legal appointments. The Defendant now requests that this Court modify his release conditions to allow him to leave his residence each day, while monitored by the GPS, and abide by a daily curfew of 7:00 p.m. until 6:00 a.m. The Defendant will also stay away from the previously established exclusion zones and have no contact with the potential witnesses in this case. For the following reasons, the Defendant requests that this Motion be allowed.

- 1) The Defendant was arrested on July 2, 2019 and was initially brought before this Court on the same date on a criminal complaint. On July 11, 2019, the Government obtained an indictment which alleged a single count of collection of extensions of credit by extortionate means in violation of 18 U.S.C. §894(a). On July 16, 2019, Mr. Scibelli was arraigned before this Court.
 - 2) On August 14, 2019, a hearing on the Defendant's motion for pretrial release was held before

Judge Robertson. Testimony was taken from an FBI agent and exhibits were offered. On August 19, 2019, after spending forty-five days in pretrial detention, the Defendant was ordered released with conditions.

- 3) For the past ten months, the Defendant has demonstrated sustained compliance with all of the conditions imposed by this Court. The Defendant, and his elderly mother, have attended multiple medical appointments several times each week without issue. Otherwise, the Defendant has been confined to his home. Recently the Defendant received an offer of employment which he intends to accept.
- 4) Defense Counsel has conferred with the Government, represented by Assistant United States Attorney Neil Desroches, who does not oppose the Defendant's Motion.
- 5) Defense Counsel has conferred with the Probation Department. Probation Officer Laura LaValley is supervising the Defendant and offers no objection to this Motion.
- 6) At this stage, the electronic monitoring condition with "home incarceration" presents an unnecessary restraint on the Defendant's liberty. This condition no longer serves the purpose of reasonably assuring the Defendant's presence at future Court proceedings or providing for the safety of any other person and the community. The Defendant does not present any risk of flight and does not present a danger to anyone. He is a life-long resident of Springfield and fully understands his obligations to this Court.

WHEREFORE, the Defendant for the foregoing reasons respectfully requests that that his Motion be granted.

Respectfully submitted,
THE DEFENDANT

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CERTIFICATE OF SERVICE

I, Nikolas Andreopoulos, Esq., do hereby certify that I have filed the foregoing with the Clerk of the United States District Court for the District of Massachusetts via the CM/ECF system this June 24, 2020, and that a copy will be sent electronically to the registered participant(s).

BY: /s/ Nikolas Andreopoulos
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